

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK:

Index No. 07 CIV 8628

SPABO, INC. d/b/a/ MISTER SOFTEE  
and MISTER SOFTEE, INC.

X

V.

E. PIEDAD RIVERA d/b/a/ MISTER SOFTEE,  
ET AL.

X

State of New York )  
County of Bronx ) ss:

AFFIDAVIT OF SERVICE OTHER THAN BY PERSONAL DELIVERY

State of New York, County of Bronx ss:

Charles S. Flemming, being duly sworn, deposes and says:  
I am over 18 years of age and not a party to this action.

At 10:40 AM, on November 2<sup>nd</sup> 2007 at 944 Phoenix Avenue, 2<sup>nd</sup> Floor, Peekskill, NY 10566

In the City of Peekskill, County of Westchester, State of New York, I served the attached

SUMMONS AND COMPLAINT in this matter on **Jorge H. Verdugo**

[ ] a) delivering the said SUMMONS to:  
Who was substituted for the defendant.

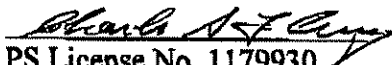
Description of individual Substituted:

Sex: Color of Skin: Color of Hair:  
Approximate Age: Approximate Weight: Approximate Height:

[ X ] b) affixing the summons and complaint to a conspicuous part of the door of 944 Phoenix Avenue, Peekskill, NY 10566.

Previous attempts were made on (10/13/07), (10/15/2007), (10/23/2007), (10/31/07).

Thereafter, on November 5<sup>th</sup>, 2007, a copy of the summons and complaint was mailed to the defendant in an envelope marked personal and confidential, post paid and properly addressed to the Respondent to his last residence address or place of business or employment, by depositing the same at a post office official depository under the exclusive care and custody of the United States Postal Service within the state.

  
PS License No. 1179930

Sworn to before me this 5<sup>th</sup> day of November 2007

  
(Notary Public)

JONATHAN C. PETERS  
NOTARY PUBLIC STATE OF NEW YORK  
NO: 01PE6134884  
QUALIFIED IN KINGS COUNTY  
COMMISSION EXPIRES OCTOBER 11th, 2009

U.S. POSTAL SERVICE		CERTIFICATE OF MAILING	
MAY BE USED FOR DOMESTIC AND INTERNATIONAL MAIL, DOES NOT PROVIDE FOR INSURANCE-POSTMASTER			
Received From:			
		ASHLIN	
		P.O. BOX 4254	
		NEW YORK, NY 10163	
One piece of ordinary mail addressed to:			
JURGE H. VERDUGO			
944 PHOENIX AVE. 2ND FLOOR			
PEEKSKILL, NY 10566			

PS Form 3817, January 2001

U.S. POSTAGE  
\$1.05  
NOV 05 07  
PEEKSKILL, NY  
10566  
U.S. POSTAL SERVICE

PEEKSKILL, NY 10566  
NOV 05 07  
U.S. POSTAL SERVICE